

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLIFFORD JAUSHLIN,

Defendant.

Case No. 16-00183-07-CR-W-BP

**GOVERNMENT’S RESPONSE TO DEFENDANT’S
MOTION FOR RECONSIDERATION OF BOND**

Defendant Clifford Jaushlin moves for reconsideration of this Court’s Order of Detention based on the belief that there are now conditions or a combination of conditions that will reasonably assure the defendant’s appearance and the safety of the community. (D.E. 239.)

The Court notes that Mr. Jaushlin has had his pre-trial release revoked two times over the course of this case, the last revocation being October 18, 2017 wherein the defendant was ordered to undergo a psychiatric exam by the Bureau of Prisons (BOP). (D.E. 131.)

Counsel is correct to point out this defendant, if he elects to plead, may wind up serving close to the time the guidelines may recommend. A possible plea agreement is being discussed by the parties that may resolve the issues of this case.

Defendant also seems to be suffering some physical impairments, which keeps him wheelchair bound. (Doc. 239 at page 2.)

I. Procedural History

On June 7, 2016, Defendant Jaushlin was charged in a multi-count Indictment, charging him only with Count One, conspiracy to distribute marijuana. (D.E. 1.) On June 14, 2016, Jaushlin appeared for his initial appearance (D.E. 25.) On June 20, 2016, the Court held a

detention hearing and overruled the government's motion to detain Jaushlin and set conditions of release. (D.E. 34.)

On March 1, 2017, the Court held a show cause hearing for violations of his conditions of release and subsequently revoked his bond. (D.E. 86.) On April 10, 2017 the court revoked his bond. (D.E.100.)

On July 27, 2017, Jaushlin filed a Motion for Reconsideration (D.E. 116). On August 4, 2017, the Court sustained the motion and set conditions of bond for Mr. Jaushlin. (D.E. 130.)

On October 18, 2017, another show cause hearing was held regarding new violations of conditions of release and Jaushlin's bond was revoked. (D.E. 129, 131.)

On February 21, 2018, November 28, 2018, and July 16, 2019 psychiatric reports were submitted to the court. (D.E. 146, 203, 229.)

On September 19, 2019, Jaushlin filed this instant Motion for Reconsideration (D.E. 239). This case is currently set on the October 28, 2019, trial docket.

II. Argument

In its October 19, 2017 Order, the Court noted defendant Jaushlin had indeed violated his conditions of release, revoked his bond, and ordered a psychiatric evaluation. (D.E. 131.) As noted above, there have now been three (3) separate psychiatric reports filed before the court. The court has entered a report and recommendation, accepting the latest report of defendant Jaushlin's competency to proceed. (D.E. 236.)

The defendant has been in custody for close to 24 months, pending trial in this case. As he is competent to proceed and the parties are working out a potential plea agreement, the government believes that defendant Jaushlin may be ready to be released on bond again. Obviously there is a potential risk that defendant Jaushlin may not satisfy his conditions of release yet again, however

that risk may be mitigated by the potential plea agreement which the parties believe may resolve the trial issues in this case and a guideline sentence may be close to the time he's already served awaiting his return to competency.

III. Conclusion

For the above reasons, the United States respectfully requests that the Court sustain this motion for bond reconsideration.

Respectfully submitted,

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By */s/ Joseph M. Marquez*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on September 27, 2019, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Joseph M. Marquez
Joseph M. Marquez
Assistant United States Attorney